IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

R.S.A. No.3872 of 2006(O&M)

Date of Decision:19.2.2007.

Shyam Lal

....Appellant.

Versus

Jai Bhagwan & ors.

...Respondents.

CORAM : Hon'ble Mr. Justice Hemant Gupta.

Present:- Mr.K.B.Sharma,Advocate
for the Appellant.

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HEMANT GUPTA, J.(ORAL)

C.M.No.9925-C of 2006

For the reasons mentioned in the application, delay of 79 days in re-filing the appeal is condoned.

R.S.A. No.3872 of 2006

The defendant is in second appeal aggrieved against the judgment and decree passed by the Courts below whereby the suit for permanent injunction was decreed.

The plaintiff has claimed possession and title on the basis of sale deed dated 26.8.1974 executed by Bhagirath and Sheodei. It was the stand of the defendant in the written statement that he is in possession at the instance of Sheodei. It has been found by the Courts below that the plaintiffs are owner of the suit land and are thus entitled to protect their possession and that the defendant-appellant has not produced any document

of title which might have been executed by Sheodei in favour of the defendant.

In the absence of any document of title, the findings recorded by the Courts below that the plaintiffs are in possession of the suit property as averred cannot be said to be suffering from any illegality or irregularity, which may give rise to any substantial question of law in this appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

19.2.2007.
Reema